

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

MICHEAL HODGE,

Plaintiff,

v.

CIVIL ACTION NO. 5:19-cv-00136

THE OWNER OF THE
SOUTHERN REGIONAL
JAIL,

Defendant.

ORDER

Pending is whether Plaintiff has failed to prosecute this matter. This action was previously referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on December 3, 2019. Magistrate Judge Aboulhosn recommended that the Court dismiss the Complaint without prejudice and remove the matter from the Court’s docket for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*”). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v.*

De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 20, 2019. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 6**], **DISMISSES** the Complaint [**Doc. 2**] and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party herein.

ENTERED: February 12, 2020



Frank W. Volk
Frank W. Volk
United States District Judge